

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF CALIFORNIA  
7

8 JEHU HAND,

9 Plaintiff,

10 vs.

11 MANAGEMENT AND TRAINING  
12 CORPORATION, et al.,

13 Defendants.  
14  
15

1:20-cv-00819-GSA (PC)

**ORDER DENYING MOTION FOR  
ISSUANCE OF SUMMONS AS  
PREMATURE  
(ECF No. 13.)**

16 **I. BACKGROUND**

17 Jehu Hand ("Plaintiff") is a former federal prisoner proceeding *pro se* and *in forma*  
18 *pauperis* with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388  
19 (1971). On June 12, 2020, Plaintiff filed the Complaint commencing this action. (ECF No. 1.)  
20 On January 7, 2021, Plaintiff filed the First Amended Complaint as a matter of course. (ECF  
21 No. 2.)

22 On May 3, 2021, Plaintiff filed a motion for the court to issue a summons to initiate  
23 service of process upon the defendant in this case. (ECF No. 13.)

24 **II. SCREENING AND SERVICE OF PROCESS**

25 The court is required by law to screen complaints brought by prisoners seeking relief  
26 against a governmental entity or officer or employee of a governmental entity, such as the instant  
27 action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The court must dismiss a  
28 complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or

malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

With respect to service, the court will, *sua sponte*, initiate service of the First Amended Complaint only after the court has screened the First Amended Complaint and determined that it contains cognizable claims for relief against the named defendant.

Here, Plaintiff’s First Amended Complaint awaits the court’s screening, and therefore it is not time for service in this case. Therefore, Plaintiff’s motion shall be denied as premature.

### **III. CONCLUSION**

Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s motion for issuance of a summons, filed on May 3, 2021, is DENIED as premature.

IT IS SO ORDERED.

Dated: May 5, 2021

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE